

Appl. No. 10/827,561
Amendment Dated May 30, 2006
Reply to Office Action of January 27, 2006

REMARKS/ARGUMENTS

Applicants have received the Office Action mailed January 27, 2006. Applicant also wishes to thank Examiners Allana Lewin and Stephen Crow for the courtesies extended to his attorney, Kent Erickson, during the interview conducted on May 23, 2006. Reconsideration of the claims is respectfully requested in view of the above amendments and the remarks below.

During the interview, the attendees discussed U.S. Patent No. 1,366,200 to Matysek and No. 4,867,444 to Castillo. A summary of the relevant discussion had during the interview is set forth below with reference to specific claim rejections.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 1, 2, 15, 16, 19 and 20 as being anticipated by Matysek (US Pat. No. 1,366,200). Applicant acknowledges that Claims 1, 2, 15, 16 and 19 are anticipated by Matysek and has therefore canceled these claims. Applicant has further canceled any claims depending from these claims in favor of newly added Claims 23-27 and Claims 8-14. Therefore, the rejection of Claims 1, 2, 15, 16, 19 and 20 as being anticipated by Matysek is now moot.

Claim Rejections - 35 USC § 103

The Examiner has rejected claims 8-13 under 35 USC § 103(a) as being unpatentable over Matysek in view of Castillo (US Pat. No. 4,867,444). The Examiner argues that it would have been obvious to one skilled in the art to add the removable, resilient grips taught by Castillo to the dumbbells/end bars connected to the center bar as taught by Matysek. Applicant respectfully disagrees with the Examiner's conclusion.

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As discussed during the interview, in looking at Figure 1 of the Matysek '200 patent it is noted that the ends of the center bar extend completely through and protrude past the center section or bar of the dumbbells. There is no suggestion in Matysek '200 that when the dumbbells are attached to the central bar as shown in Fig. 1, that the user should hold onto the assembly by gripping the ends, to the outside of the dumbbells. Because the ends of the center bar are shown extending through the handles of the dumbbells, it would be extremely difficult and uncomfortable to grip the assembly at the ends, outside of the dumbbells. Therefore, the Matysek '200 patent would appear to teach away from grasping the ends of the center bar/dumbbell assembly. Because there is no suggestion in Matysck '200 patent that the center bar/dumbbell assembly could or should be grasped at the ends thereof, there would be no need or suggestion in the prior art to add the resilient grips from Castillo to the handle or bar of the dumbbells attached to the center bar.

During the interview the Examiners took the position that it is generally known in the art to add resilient grips to weight lifting bars and therefore it would be obvious to add resilient grips to the center section or bar of the dumbbells. Applicant remains of the opinion that such a combination is not obvious for the reasons set forth above. However, the Examiners agreed that Matysek teaches extending the ends of the main cross bar beyond or outward from the outer gripping surfaces of the dumbbells. The Examiners further indicated that claims including limitations to this distinction may be allowable over the prior art, subject to further searching. New independent claims 23 and 28 have been added to address this distinction. Paragraph [0034] of the specification has been amended to include language consistent with the amended

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language of Claims 23 and 28. The language added to paragraph [0034] of the specification is consistent with the existing disclosure and is supported by the drawings, and therefore, no new matter is added thereby.

Claim 8 has also been amended to include further limitations regarding the grips including limitations directed to an axial bore and a cross bore for receiving and accommodating the ends of the cross bar which is neither taught nor suggested by the Castillo patent.

Per the suggestion of the Examiners during the interview, submitted herewith is a Terminal Disclaimer as to U.S. Patent No. 6,726,599 which is owned by Top Form Fitness Systems, Inc., the assignee of the present application.

Applicants have considered the additional prior art cited by the Examiner, but not applied against the claims. The claims, as amended, are deemed to be patentable over these references as well. In view of the amendments contained herein and the above remarks, it is respectfully submitted that the pending claims are clear and definite and that they are patentable over the prior art of record. Accordingly, the Examiner is requested to issue a Notice of Allowance indicating such.

Based upon the foregoing, applicant submits that new independent claims 23 and 28 and amended independent Claim 8 distinguish over the prior art of record and notification to this effect is respectfully requested.

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In the event that the Examiner is of the opinion that the prosecution of this application can be advanced thereby, she is invited to contact Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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By



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Certificate of Facsimile Transmission

I hereby certify that this Amendment and Response for application Serial No. 10/827,561, filed April 19, 2004, is being filed by facsimile transmission to the United States Patent and Trademark Office, at fax number (571) 273-8300 on May 30, 2006.

William L. Stonecipher

By 

Kent R. Erickson

May 30, 2006

(Date of Signature)